

No. 77-98

Supreme Court, U. S.

FILED

AUG 31 1977

MICHAEL TODAK, JR., CLERK

In the Supreme Court of the United States
OCTOBER TERM, 1977

THE PEOPLE OF THE STATE OF
CALIFORNIA, ETC., PETITIONER

v.

UNITED STATES OF AMERICA

*ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF CLAIMS*

**MEMORANDUM FOR THE UNITED STATES
IN OPPOSITION**

WADE H. MCCREE, JR.,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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**MEMORANDUM FOR THE UNITED STATES
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The petition for a writ of certiorari was not timely filed. The judgment of the Court of Claims in this case was entered on March 23, 1977. Under 28 U.S.C. 2101(c), the petition for a writ of certiorari was due to be filed within ninety days after the entry of judgment, *i.e.*, by June 21, 1977. The petition was not filed, however, until June 22, 1977 (a Wednesday). No extension of time was sought. The time limit specified by 28 U.S.C. 2101(c) is jurisdictional. *Toledo Scale Co. v. Computing Scale Co.*, 261 U.S. 399, 418.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

WADE H. MCCREE, JR.,
Solicitor General.

AUGUST 1977.

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